

# **EXHIBIT A**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3  
4   IN RE:    PROCESSED EGG PRODUCTS:                   MDL NO. 2002  
5   ANTITRUST LITIGATION                                 08-MDL-02002

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7                                 PHILADELPHIA, PA

8                                 - - - - -  
9                                 NOVEMBER 6, 2019

10                                - - - - -  
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12   BEFORE:                 THE HONORABLE GENE E.K. PRATTER, J.

13  
14                                - - - - -  
15                                TRANSCRIPT OF TRIAL PROCEEDINGS

16                                DAY 5

17                                - - - - -  
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19  
20  
21                   KATHLEEN FELDMAN, CSR, CRR, RPR, CM  
22                   Official Court Reporter  
23                   Room 1234 - U.S. Courthouse  
24                   601 Market Street  
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(Transcript produced by mechanical shorthand via C.A.T.)

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25 (CONT.)

1 APPEARANCES: (CONT.)

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THE DEPUTY CLERK: All rise.

1 Q. And did you express your concerns to Mr. Miller about the  
2 program?

3 A. I expressed exactly the same kind of concerns, and I was  
4 kind of asking for feedback -- am I all wet here? Or is there  
5 something I'm missing?

6 Q. Thank you. Now, going to Plaintiffs' Exhibit 691 and  
7 looking at the -- at the first document, is -- can you  
8 describe for the jury what this document is?

9 A. This is a November 5th, 2003 letter from myself to  
10 Irving Isaacson, and it's regarding United -- United Egg  
11 Producers Animal Care Certified Program.

12 Q. And turning to the second page of the document, is that  
13 your signature?

14 A. Yes, it is.

15 Q. And you wrote this document?

16 A. I did.

17 Q. Okay. Turning back to the first page, under the  
18 blacked-out section, it says: As we have relayed from time to  
19 time to the UEP executive staff, the hidden agenda of the  
20 Animal Welfare Program is concerning to us. Do you see that?

21 A. I do.

22 Q. And it says here that you had relayed from time to time  
23 concerns to the UEP staff. Is that what you previously  
24 testified to?

25 A. Yes. And I just related to Irving and to others, Don in

1     Albuquerque right after I drafted this letter.

2     Q.    When you referred to the hidden agenda, what were you  
3     referring to?

4     A.    What I had talked to about earlier, the hidden agenda is  
5     you're hiding your price fixing schematic behind an Animal  
6     Welfare Program.

7     Q.    Now, the next sentence, it says:  In short, we believe if  
8     not carried forward properly, a strong case could not be made  
9     that the Animal Welfare Program is in essence a program being  
10    offered by our trade association and its members to reduce  
11    outputs in an effort to increase prices.

12                 Do you see that?

13    A.    I do.

14    Q.    Is that a belief that you would have held at the time?

15    A.    Yes.

16    Q.    Is that once again a belief that you expressed to the UEP  
17    staff prior to writing this letter?

18    A.    Numerous times.

19    Q.    And what, if anything, does that paragraph have, that  
20    sense have to do with the hidden agenda that you referred to  
21    in the prior sentence?

22    A.    Well, I think it -- at least it's trying to directly tie  
23    it.  If you don't roll this out properly, meaning if this is  
24    not offered and sold to the public and to our customers as  
25    truly an Animal Welfare Program, they're going to start

1   allegations, and what I was getting at was I was simply asking  
2   questions.  Irving's response seems to think that I was making  
3   allegations.  I was asking the questions, Irving.  You didn't  
4   answer them, so when I talk to you in earnest about them --

5   Q.   Just to be clear, Mr. Isaacson -- you can put that  
6   down -- Mr. Isaacson was the outside lawyer for UEP, right?

7   A.   Correct.

8   Q.   And he -- and you knew him?

9   A.   Yep.

10   Q.   In your letter, you said you were raising questions,  
11   right?  Yes?

12   A.   Yes.

13   Q.   Raising legal questions?

14   A.   And other questions.

15   Q.   Right.  And you were -- you were writing this letter  
16   lawyer to lawyer, right, asking -- asking Mr. Isaacson to look  
17   at these issues lawyer to lawyer.  You're a lawyer, right?

18   A.   Yep.

19   Q.   And you were writing lawyer to lawyer, correct?

20   A.   Yes.

21   Q.   And this letter that was signed by you was based on your  
22   legal education, your training, and experience, right?

23   A.   Yes.

24   Q.   Because you were the general counsel for Sparboe, right?

25   A.   That's correct.

1 Q. And you were a member of the bar; is that correct?

2 A. Yes.

3 Q. Member of the Minnesota bar?

4 A. Yes.

5 Q. Good standing?

6 A. Yes.

7 Q. Have you always been in good standing in the Minnesota  
8 bar?

9 A. Yes.

10 Q. Have you ever been disciplined?

11 A. Yes.

12 Q. And you were disciplined. You were publicly reprimanded?

13 A. Yes.

14 Q. And you were on probation?

15 A. Yes.

16 Q. Your law license was on probation for two years?

17 A. Okay. Yes.

18 Q. And that was before you joined Sparboe, correct?

19 A. It was in 1995.

20 Q. And in this letter that you wrote in November of 2003 --

21 MR. KING: If we can put up Exhibit 691.

22 BY MR. KING:

23 Q. One of the things you say here --

24 A. I don't have it. It hasn't come up.

25 MR. KING: Can you give us Exhibit 691?



1 We'll go through to about 12:30, and then we'll be done for  
2 the day tomorrow on that basis. So have a lovely evening. Do  
3 not worry, think about or do anything relating to this case,  
4 but have a safe journey home and come back here. See you  
5 tomorrow, 9:30.

6 THE DEPUTY CLERK: All rise.

7 (Jury out.)

8 THE COURT: There you go. See you tomorrow, 9:30.

9 And what deposition is it going to be, by the way?

10 MR. PATTON: Mr. Gregory's deposition.

11 THE COURT: I'm sorry?

12 MR. PATTON: Mr. Gregory's deposition.

13 THE COURT: Okay.

14 (Court adjourned.)

15

16

17 C E R T I F I C A T E

18 I certify that the foregoing is a correct transcript  
19 from the record of the proceedings in the above-entitled  
20 matter.

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Kathleen Feldman, CSR, CRR, RPR, CM  
Official Court Reporter

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